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IN THE CIRCUIT COURT
FOR THE SIXTH JUDICIAL CIRCUIT
CHAMPAIGN COUNTY, ILLINOIS

JERRY HIRSCH,)
Plaintiff,)
vs.) No. 92-L-1244
ROGER PEARSON,)
LLOYD G. HUMPHREYS, and)
SCOTT-TOWNSEND PUBLISHERS,)
jointly and severally,)
Defendants.)

The deposition of ROGER PEARSON was
taken on Thursday, June 23, 1994, commencing at
10:30 a.m., at the offices of Carter, Ledyard &
Milburne, 1350 Eye Street, N.W., Suite 870,
Washington, D.C., before Doreen M. Dotzler,
Notary Public.

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P R O C E E D I N G S

Whereupon --

ROGER PEARSON

a witness, called for examination, having been first duly sworn, was examined and testified as follows:

MR. OTTO: Can we stipulate for the record that the court reporter's notes do not have to be produced at the trial in the event that there is a question of impeachment with the transcript?

MR. CORNYN: Yes, and further that the court reporter herself wouldn't have to be called.

MR. OTTO: That's correct.

MR. SONDRICKER: I ask if there is a question in advance, I suppose you don't know until the time, it would be nice to call her and try to straighten it out on the telephone.

MR. OTTO: At the end of the deposition you will be given an opportunity to have your client review the transcript or waive that so if

Pearson

there is a mistake there is an opportunity to correct it.

MR. SONDRICKER: Fine.

MR. OTTO: So you agree to the stipulation?

MR. SONDRICKER: I do.

EXAMINATION

BY MR. OTTO:

Q. Will you state your name and address for the record.

A. Roger Pearson. 3589 South Ocean Boulevard, Number 8, Palm Beach, Florida.

Q. So you are enjoying the cool weather, I see.

A. I'm not there at the moment.

Q. Have you ever been involved in a deposition before?

A. No.

Q. This is what we call under Illinois rules a discovery deposition. My name is John Otto and I represent the plaintiff and I will be asking you certain questions regarding the lawsuit and

1 facts that might lead to relevant information.
 2 If there is anything that I don't ask you
 3 clearly or you don't understand, please ask me to
 4 rephrase and I will be happy to do that.

5 A. Yes.

6 Q. Are you a citizen of the United States?

7 A. No.

8 Q. Of what country are you a citizen?

9 A. United Kingdom.

10 Q. What is your date of birth?

11 A. 21 August 1927.

12 Q. Under what kind of visa are you in the
 13 United States?

14 A. Resident alien.

15 Q. How long have you lived in the United
 16 States?

17 A. Since 1965.

18 Q. Have you ever used any names other than
 19 Roger Pearson?

20 A. Only as literary names, pen names.

21 Q. And can you tell me what other names have
 22 you used?

1 A. I couldn't remember them all.

2 Q. Do you remember any of them?

3 A. Peterson, R. Peterson, which is not much
 4 of a change.

5 Q. And you said something about a change?

6 A. No, I said it is not much of a change in
 7 my name.

8 Q. Are there any others that you recall?

9 A. Allen McGregor. M C G R E G O R.

10 Q. Are there any others?

11 A. Not at this moment.

12 Q. Have you ever used the name J.W.
 13 Jamieson?

14 A. Yes.

15 Q. What about James McGregor?

16 A. Maybe it is James McGregor rather than
 17 Allen McGregor.

18 Q. John W. Richards?

19 A. I don't think so. We have had him write
 20 for us, but I don't think so.

21 Q. There is someone else who is a John W.
 22 Richards?

1 A. I don't know offhand. My memory is not so
2 good for all these things.

3 Q. Edward Langford?

4 A. Yes.

5 Q. Any others that you recall at the present
6 time?

7 A. No.

8 Q. What is the purpose for which you've used
9 other names?

10 A. It's not uncustomary for an editor of a
11 journal to refrain from publishing too frequently
12 under his own name in his own journal. There are
13 good precedence for that, and rather than appear
14 to be pushing one's own views, I can cite you,
15 not offhand now, but names of distinguished
16 scholars who were editors of well-known
17 publications and who used pen names when writing
18 in their publications they edited.

19 Q. In each instance where you've used
20 so-called pen names it has been where you've
21 published in a publication that you have been
22 editor of; is that correct?

1 A. Not necessarily. No, I wouldn't say that
2 now. I don't remember.

3 Q. Do you recall other occasions when you've
4 used pen names?

5 A. No, I don't think so. But I don't
6 remember.

7 Q. And do you at this time recall other
8 distinguished editors who have used pen names
9 when they have published in their own
10 publications?

11 A. As I say I couldn't say now, but I could
12 give you an example later.

13 Q. Have you at times using one name quoted
14 yourself using another name?

15 A. I don't think so, but I don't remember.

16 Q. Would that be considered something that
17 editors would commonly do?

18 A. By whom? Considered by whom?

19 Q. By you. Would you consider that something
20 that editors commonly do?

21 A. If you are referring to an article
22 published under another name, whether it is your

1 own, one would tend to use the name under which
2 the author referred when referring to it.

3 Q. Would one normally identify or alert the
4 reader to the fact that that person is really the
5 same person in the two instances?

6 A. I don't think so.

7 Q. Is Roger Pearson your real name?

8 A. Yes.

9 Q. That's on your birth record?

10 A. Absolutely.

11 Q. Do you know when the last time is that you
12 used a different name other than Roger Pearson?

13 A. I can't remember now.

14 Q. Are you currently editor of any journals?

15 A. Yes.

16 Q. What journals are you editor of?

17 A. It is The Journal of Social, Political and
18 Economic Studies. Co-editor of The Journal of
19 Indo-European Studies.

20 Q. The last journal was The Journal of --

21 A. Indo-European Studies.

22 Q. For how long have you been editor of The

1 Journal of Social, Political and Economic
2 Studies?

3 A. Since it was founded 19 years ago.

4 Q. And were you the founder of it?

5 A. Yes.

6 Q. For how long have you been co-editor of
7 The Journal of Indo-European Studies?

8 A. 22 years.

9 Q. Were you also a co-founder of that?

10 A. I was essentially the founder.

11 Q. Who is your co-editor?

12 A. That's not a simple answer.

13 Professor Edgar Polomeu is today the
14 general editor. No, correction. He is the
15 managing editor. I used to be the general
16 editor, but some years ago, a few years ago I
17 arranged to become just a co-editor and he became
18 the general editor. For many years Maria
19 Gimbutas who died recently was the other
20 co-editor.

21 Q. Who publishes The Journal of Social,
22 Political and Economic Studies?

1 A. The Council of Social and Economic
2 Studies.

3 Q. And who publishes The Journal of
4 Indo-European Studies?

5 A. The Institute for the Study of Man.

6 Q. Who is Scott Townsend Publishers? Who is
7 not the right question here, but --

8 A. No, Scott Townsend Publishers is the
9 publishing imprint which is owned by the Council
10 of Social and Economic Studies, Incorporated.

11 Q. So the Council of Social and --

12 A. Council of Social and Economic Studies.

13 Q. -- Economic Studies is a corporation?

14 A. A non-profit corporation.

15 Q. Where is it incorporated?

16 A. It is incorporated in the District of
17 Columbia.

18 Q. And Scott Townsend Publishers, is that a
19 separate subsidiary corporation or is it just --

20 A. No, it is just a publisher's imprint.

21 Q. And maybe I should clarify for the record,
22 what do you mean by a publisher's imprint?

1 A. Institutions and corporations don't always
2 put their own name on publications. Librarians
3 like to see in my opinion the name of a
4 publishing firm or a publishing imprint rather
5 than a corporation or an institution. Therefore,
6 it is fairly common for corporations to have a
7 publishing imprint which is a name under which
8 the book appears when listed by Bowker's, Ebsco
9 and other indexing organizations.

10 Q. Do you know whether the Council of Social
11 and Economic Studies has adopted Scott Townsend
12 Publishers as an assumed name?

13 A. I don't know what you mean by an assumed
14 name.

15 Q. By an assumed name I mean a name that is
16 used that is not the actual name of the entity?

17 A. That is self-evident, I would have
18 thought.

19 In actual fact if you are familiar with
20 the publishing business and you looked in
21 Bowker's you would see the name and address of
22 the Scott Townsend Publishers and it is known to

1 Bowker's who are the main indexing international
2 book numbers, that this is the property. Every
3 time we publish a book we file a record with
4 Bowker's of the book and we show on that record
5 that Scott Townsend Publishers is the imprint
6 owned by the Council of Social and Economic
7 Studies.

8 Q. Without getting too technical or legal
9 about it and also without knowing what District
10 of Columbia law is, under Illinois law if a
11 corporation acts under a different name it files
12 a certificate with the Secretary of State.

13 A. That has been done in Virginia when the
14 council was operating in Virginia. To the best
15 of my knowledge, we never attempted to discover
16 the requirements in the District of Columbia.
17 Therefore, it has not been done.

18 Q. Where is the Council for Social and
19 Economic Studies located?

20 A. At the time the book in question was
21 published, it was located in Virginia..

22 It has now returned to the District of

1 Columbia.

2 Q. Is there an address in the District of
3 Columbia where it is located?

4 A. Yes.

5 Q. Where?

6 A. 1133 13th Street, Northwest, Suite C-2,
7 Washington, D.C. 20005.

8 Q. Does the Council for Social and Economic
9 Studies have a staff?

10 A. Voluntary staff. Unpaid essentially.
11 Some small payments are made, but, no, not on a
12 full-time regular employment basis.

13 Q. Who are its officers?

14 A. At the current time myself as the
15 president. My wife is secretary. Mr. Sam C.
16 Crutchfield, an attorney as a board member; and
17 Professor Dwight Murphey as a board member.

18 Q. What is your wife's name?

19 A. Marian P. Pearson.

20 Q. Does she reside with you in Palm Beach,
21 Florida?

22 A. Yes. We move around a little bit.

1 Q. But that's your place of residence at the
2 present time?

3 A. Yes. She is at the moment in England.

4 Q. I can't decipher my note --

5 A. It is Dwight Murphey.

6 Q. Is he on the faculty of one of the local
7 or regional universities?

8 A. He is at Wichita State University. He is
9 a lawyer and an economist.

10 Q. What assets, if any, does Scott Townsend
11 Publishers have?

12 A. It doesn't have any. It is part of the
13 Council. It is only a name used by the Council
14 with regard to publishing.

15 Q. What assets does the Council for Social
16 and Economic Studies have?

17 MR. SONDRICKER: What is the purpose of
18 this? This is not supplementary proceedings. I
19 don't know why you need to know about the assets
20 of this corporation at this time.

21 MR. OTTO: The plaintiff has asked for a
22 monetary judgment as well as injunctive relief,

1 and in the event of a judgment how collectible a
2 judgment will be and what assets.

3 MR. SONDRICKER: That is supplementary
4 proceedings. You don't have a decision at this
5 point. So I think that you are jumping the gun
6 with all due respect.

7 MR. OTTO: Are you instructing him not to
8 answer the question?

9 MR. SONDRICKER: No, but I am going to
10 object vociferously to a line of examination
11 which is improper, as you well know.

12 MR. OTTO: I don't think that it is
13 improper at this point.

14 MR. SONDRICKER: I do.

15 BY MR. OTTO:

16 Q. Will you answer the question, please?

17 A. It varies. At the moment I think it is
18 about \$25,000. No other assets.

19 Q. What is the Institute for the Study of
20 Man?

21 A. Is that a relevant question?

22 Q. Well, I think it is or it might lead to

1 relevant information. I believe that at least
2 some of the copies of the publication in question
3 had the imprint of The Institute for the Study of
4 Man --

5 A. No, that is not correct.

6 Q. Well, again, I think it is relevant or
7 might lead to relevant information. I believe
8 the copy that I obtained has it. I will simply
9 show you a xerox copy of the first two pages of
10 the copy. I don't have the original with me.

11 A. I don't know what that stamp is on there.
12 That is not published that way. It is not in any
13 of the published books. By the ISBN number that
14 you find that is of the Council of Social and
15 Economic Studies and was -- the other is a rubber
16 stamp that someone has put on it.

17 Q. Have you seen the rubber stamp before?

18 A. Let me look at it again.

19 I would say that it is similar to one that
20 we used at that time, but there is no reason at
21 all that any copy should have left our office
22 with that on. This is a photocopy. Somebody

Pearson

1 else could have put that on. It would be a very
2 easy matter for someone to copy that rubber
3 stamp, have another rubber stamp made and printed
4 it there.

5 MR. CORNYN: I have a copy of the book
6 here, John.

7 MR. OTTO: Okay.

8 MR. CORNYN: Frankly, I don't know where I
9 got that. The stamp is not in there.

10 MR. OTTO: You say that the stamp is not
11 in here?

12 MR. CORNYN: I didn't see what looked like
13 what you were showing him.

14 MR. OTTO: I don't see it in here,
15 either.

16 THE WITNESS: May I consult with you?

17 MR. SONDRICKER: Yes.

18 MR. OTTO: Sure.

19 (Pause in the proceedings.)

20 BY MR. OTTO:

21 Q. Has The Institute for the Study of Man had
22 any involvement in the publication or circulation

1 of the book entitled Race, Intelligence and Bias
2 in Academe?

3 A. Can you repeat that question, please?
4 (The record was read as requested.)

5 THE WITNESS: Not that I can recall.

6 BY MR. OTTO:

7 Q. What is the function of The Institute for
8 the Study of Man?

9 A. I don't have a copy of our articles with
10 me so I can't give you a word perfect answer to
11 that.

12 Q. Can you tell me in general?

13 A. In general it is to promote research and
14 to publish, particularly publish research
15 findings in the area of the social sciences in a
16 broad sense.

17 Q. Who actually printed the book Race,
18 Intelligence and Bias in Academe?

19 MR. SONDRICKER: You mean the physical
20 printer, the printing company?

21 MR. OTTO: Yes. If you know.

22 THE WITNESS: I can answer that question

1 but not offhand now. We have two printers
2 primarily, and I can't remember which it was.

3 BY MR. OTTO:

4 Q. You would have records that would tell you
5 that?

6 A. Yes.

7 Q. How many copies were printed originally?

8 A. I can't tell you that offhand.

9 Q. Can you tell me a range of numbers?

10 A. Around a thousand. More or less. Around
11 a thousand.

12 Q. It would not be as many as 10,000?

13 A. No, definitely not. Not more than a
14 hundred or so above a thousand if it was that.
15 Printers always send you a few more than what you
16 actually ordered.

17 Q. Were there any reprints after the initial
18 publication?

19 A. No.

20 Q. When was the book first printed?

21 A. I think the date is in it. A proof copy,
22 a bound proof copy was sent out to persons who

1 had been defamed and who are mentioned in the
2 book for their approval and comment. We received
3 some comments back. That was not issued to the
4 general public, however. So the first date was
5 1991.

6 Q. When the proof copy was sent out or when
7 the book was actually finished?

8 A. When it was prepared and offered to the
9 public for review purposes, it was 1991.

10 Q. Do you know what month in 1991?

11 A. No, I can't remember offhand. I could
12 find out.

13 Q. Who were the people who you've mentioned
14 that you said have been sent proof copies?

15 Let me ask you first how many people there
16 were?

17 A. I can't remember. I would have to count
18 them all. But certainly the major people and
19 almost everybody who was -- had been badly
20 treated by their critics did receive a copy.
21 Almost everybody that had been badly treated or
22 misrepresented was sent a copy. Some of them

1 collaborated with me in preparing the materials
2 and others received copies so they would be able
3 to correct anything that was inaccurate and some
4 of them did write and make corrections which was
5 incorporated before the book was finally
6 published and released to the public.

7 Q. Was Jerry Hirsch sent a proof copy?

8 A. He was not one of those people that I
9 include in that description.

10 Q. Was Lloyd Humphreys sent a proof copy?

11 A. He was.

12 Q. Did you get correspondence back from Mr.
13 Humphreys with respect to the proofed copy that
14 you sent to him?

15 A. Yes, he did say that there were some
16 inaccuracies in the section -- I relied upon
17 Mehler's published report of some proceedings at
18 a conference which was in honor of Professor
19 Humphreys before his retirement, and Professor
20 Humphreys replied to me saying that I had relied
21 too much on Mehler's account which was inaccurate
22 and he corrected a few matters which were

incorporated in the final edition.

Q. Do you still have the correspondence with Professor Humphreys?

A. No, I don't think so. I may have, but I would have difficulty finding it.

Q. If it still exists, where would it be located?

A. In my office somewhere, but we have just moved from McLean to -- back to D.C. and I might have difficulty finding it and I can't say that it still exists.

Q. Would it be in your office in D.C. or perhaps in Palm Beach?

MR. SONDRICKER: If it exists.

BY MR. OTTO:

Q. If it exists.

A. If it exists, it would be in D.C.

Q. Do you have any custom or practice with regard to how long you keep your correspondence?

A. No. We are very short staffed on volunteer work and we can't do everything that a well-funded corporation could do.

Pearson

Q. Do you recall if your correspondence with Professor Humphreys was by means of typewritten letters or was it some other form of correspondence, by that I mean either handwritten or rather than letters memos or notes?

A. There wasn't a great deal of correspondence in any case and I don't recollect how his came, no.

Q. Do you recall whether Professor Humphreys offered any comments regarding what you wrote that now appears on pages 154 and 155 of your book regarding Jerry Hirsch?

A. No, he didn't to my memory and if he had I would have incorporated any changes that he would have suggested, but I suspect that he probably didn't even see it. I didn't, unfortunately, have an index in the book which is a big job, making an index.

Q. Did you send him the entire book or only selections?

A. No, the entire book in proof form. It looked like a finished book. It was bound.

1 Q. I'm curious as to your speculation that he
2 might not have seen it. Is there some reason
3 that he might have seen the portion that you said
4 that he responded to and might not have seen this
5 portion?

6 A. No, that was an absolutely unjustified
7 assumption on my part.

8 Q. In preparing the manuscript for the book
9 Race, Intelligence and Bias in Academe, did you
10 use any proofreaders or fact checkers?

11 A. Fact checkers, let me answer that part
12 first.

13 As I say, I sent copies to the people who
14 had been injured as a result of their interest in
15 the role of heredity in determining human
16 behavior. I didn't use any other fact checkers,
17 but almost all the information included herein,
18 in fact I think I can say all of the information
19 included herein was based upon printed
20 documentary or published documentary material or
21 information given to me by the people concerned.

22 Q. Do you still have that documentary printed

1 or published material upon which you base this?

2 A. I have some of it. One box got lost in
3 the move. It may have been thrown out. We threw
4 out lots of old material because we moved back to
5 a smaller office than we were occupying
6 previously.

7 Q. I may have asked you this before but let
8 me make sure. When did you make the move?

9 A. At the turn of the year. This last year.

10 Q. January of 1994?

11 A. Yes.

12 Q. How many books entitled Race, Intelligence
13 and Bias in Academe were distributed?

14 A. I can only give you an exact figure by
15 going back and counting how many we have left.

16 Q. Is there someplace where there are still
17 copies left?

18 A. We probably have about -- I'm guessing,
19 about 80 copies left, probably. That's a guess.

20 Q. I understand.

21 Did you keep any records of who the people
22 were who purchased the copies, people or entities

who purchased the copies?

A. We do keep records for a period of time. As a non-profit organization we don't keep records indefinitely, but we do need to keep them for a period of time for things like sales tax purposes where the sales are within the state. Once that has been done we pile them away in bundles, and periodically as things get older we throw them out.

It would be difficult for me to identify now how many were actually sold and how many were given away in review copies and how many were given away free. We are a non-profit organization and we do frequently give books away free.

Q. Did a list ever exist or a ledger or some kind of record where you would have kept track of who you sent books to?

A. We don't have the time.

Q. So the answer is, no?

A. No.

Q. What was the means of distribution of the

book?

A. We primarily rely upon reviews in scholarly publications. We also -- it tends to get reviewed in our own publications which are relevant and obviously The Journal of Indo-European Studies wouldn't review a book like that.

We sell a few. We get requests to buy in bulk a few copies. But mainly we sell to university libraries who subscribe to our publications and who see this.

We do send out lists of books to people -- individuals who have bought books from us before and so we sell some that way.

Q. Would all or substantially all of the sales be by mail order then as opposed to through bookstores or third party distributors?

A. Most come I would say through agents. Like Ebsco -- not Ebsco, big book distribution agencies, most come that way which is for libraries, which is the bulk of the sales. We have no over-the-counter sales. We don't sell

1 direct to the public.

2 Q. And although you do sell direct to the
3 public by mail order, most of the sales would not
4 have been direct sales in that sense; is that
5 correct?

6 A. I couldn't answer that question. It might
7 be 50/50. I have no idea. Probably not.

8 Q. Do you know how many courtesy copies were
9 distributed?

10 A. No. I'm pretty free with things. If
11 people come in and are interested, I say, "Take a
12 copy."

13 Q. How much did the book sell for?

14 A. The original list price was \$25 if I can
15 remember correctly. When we wholesale it we get
16 an order for 10 copies, 20 copies, we sell it for
17 substantially less depending on the size of the
18 order. Sometimes we wholesale them for \$6 a copy
19 each and if we sell them on our list to private
20 individuals, we usually give a discount because
21 they don't have that much money, so we sell those
22 for about \$15.

Pearson

1 Q. Did you keep any records that would
2 indicate what your profit was on these books?

3 A. No.

4 Q. Let me be a little more clear about what
5 books I'm talking about. The books entitled
6 Race, Intelligence and Bias in Academe, in other
7 words did you have an accounting procedure where
8 you segregated --

9 A. No. Because we are non-profit and we give
10 many away, our object is merely to release
11 information to the public and the funds that we
12 receive when we sell go into the general account
13 and are not segregated in any way. We are not a
14 profit-making concern so it doesn't really matter
15 to us. We are not trying to evaluate the profit
16 that we make.

17 Q. Where was the book advertised?

18 A. I think we advertised it in Contemporary
19 Psychology.

20 Q. Is that a publication that's published
21 by --

22 A. American Psychological Association, I

Pearson

1 believe.

2 Q. Okay. And do you know how long you
3 advertised it in that journal?

4 A. I think once. I can't remember. We might
5 have advertised it twice, I can't be sure.

6 Q. Do you happen to know what the circulation
7 of Contemporary Psychology is?

8 A. No, I don't. It is quite large.

9 Q. Any other publications in which you
10 advertised the book?

11 A. It may have been advertised in other
12 publications that I can't call to mind.

13 Q. Would the records exist that would show
14 that?

15 A. It depends upon whether the advertisement
16 was given to us free or whether we paid for it.
17 If we paid for it, yes. We could track it down
18 then. If we were given it free, no.

19 Q. Do you have any knowledge of any free
20 advertisements that you got for the book?

21 A. I can't tell you now, that I can call to
22 mind. I do know that sometimes we are given free

1 space in exchange for an advertisement, but I
2 don't know whether that was the case in this
3 book. Sometimes we give a few free copies in
4 return for an advertisement.

5 Q. Where was the book reviewed?

6 A. Two important reviews, one was
7 Contemporary Psychology. The other was
8 Psychological Reports.

9 Q. Do you know in which issues those reviews
10 appeared?

11 A. I can give you that information, but I
12 don't have it with me now.

13 Q. Do you know who the reviewers are?

14 A. No. I'm sure it is at the bottom of the
15 review.

16 Q. Was there any kind of trade with
17 Contemporary Psychology in exchange for an
18 advertisement of the book?

19 A. No. We paid them.

20 Q. Have you ever met Jerry Hirsch?

21 A. Yes, if I remember correctly about 19 --
22 this is straining my memory.

1 Shortly after The Institute for the Study
2 of Man assumed publication of Mankind Quarterly
3 from the previous publishers he paid a call on us
4 at 1716 New Hampshire unexpectedly and we had
5 what I thought was a pleasant discussion.

6 Q. Is 1716 New Hampshire in Washington,
7 D.C.?

8 A. Yes. We were there temporarily at the
9 time.

10 Q. Do you recall the subject of the
11 discussion?

12 A. I think he came in and said, "What gives?"
13 or something like that. I was a little surprised
14 and I asked him what did he mean.

15 And so he asked me about Mankind
16 Quarterly, having taken it over. I was rather
17 surprised that he had heard about it so quickly.

18 I said it was a going anthropologic
19 publication, I'm an anthropologist and I
20 couldn't -- it was a wonderful opportunity.

21 In fact we discussed the contents and he
22 showed an interest and an experience in these

1 matters. I think I even invited him if he would
2 like to collaborate and assist us possibly as an
3 editorial board member which he declined and he
4 left amicably.

5 Q. I'm not trying to trick you by forcing you
6 to recall a date that you don't recall --

7 A. I can try. It was shortly after we took
8 over publication which was Volume 19 Number 2.
9 It is now in Volume 34. So if you deduct that
10 number of years, you've got your answer.

11 Q. 34 minus 19 is 15?

12 A. It is about 14, 15 years.

13 Q. Had you heard of Jerry Hirsch before that
14 initial meeting?

15 A. No, I hadn't.

16 Q. Have you ever corresponded with Mr.
17 Hirsch?

18 A. I don't remember having done so.

19 Q. Have you ever spoken on the telephone with
20 him?

21 A. I don't think so.

22 Q. Have you ever read any of Mr. Hirsch's

1 publications or writings?

2 A. In the course of preparing this book it
3 was necessary that I should do so.

4 Q. What writings did you read at that time?

5 A. Most of them -- some of them are mentioned
6 in the book. There might have been others, but I
7 don't remember now.

8 Q. Do you know anything personally about Mr.
9 Hirsch other than what you've stated in the
10 book?

11 A. Only what I have been told by other people
12 who knew him better.

13 Q. What have you been told by other people?

14 MR. SONDRICKER: That is a very broad
15 question.

16 MR. OTTO: I disagree.

17 MR. SONDRICKER: It is like a memory
18 bank.

19 BY MR. OTTO:

20 Q. That you recall at this point.

21 A. My chief impression was that more than one
22 person who was in the realm of psychology would

1 know, make a better judgment than I could and had
2 an actual experience in his publishing and his
3 lectures and speeches -- at least three people
4 that I can call to mind who considered him to be
5 unduly emotional and biased in his views.

6 Q. And who are those three people who you can
7 call to mind?

8 A. Professor Raymond Cattell who was also at
9 the university at one time and who has been
10 rather rudely spoken of by Professor Hirsch,
11 Professor Arthur Jensen who also has been -- is
12 mentioned in my book, consulted by Professor
13 Hirsch and Professor Rushton.

14 Q. Professor Rushton?

15 A. Philippe Rushton. I believe Professor
16 Hirsch appeared on a television show I'm not
17 quite sure, which was critical of Professor
18 Rushton.

19 Q. Do you know what Mr. Hirsch's religion
20 is?

21 A. No.

22 Q. Race?

1 A. White/Caucasian, however you want to put
2 it. I don't know if he has a religion. That is
3 a visual guess on my part.

4 Q. Do you know whether he is Jewish?

5 A. No.

6 Q. Have you ever had any investigations
7 performed by you or any of the organizations with
8 which you have been affiliated with of Dr.
9 Hirsch?

10 A. After the lawsuit there was a conference
11 being held on the subject of genetics and race at
12 the University of Illinois, Champaigne, and I was
13 naturally interested to hear to what extent
14 remarks critical of myself might be made. So we
15 did engage somebody to tape many of those
16 papers.

17 Q. Do you recall the name of the person?

18 A. No, I don't offhand.

19 Q. Have you ever or any organization with
20 which you have been affiliated done any
21 investigation of Mr. Hirsch personally other than
22 this conference?

1 A. No.

2 Q. Have you ever spoken with Lloyd
3 Humphreys?

4 A. Yes.

5 Q. When did you first speak with Mr.
6 Humphreys?

7 A. I don't remember.

8 Q. Was it before publication of the book
9 Race, Intelligence and Bias in Academe?

10 A. It might have been. I once tried to reach
11 him before -- at the time I was writing the book
12 and I believe I may have spoken with him after he
13 got his bound proof and wrote to me.

14 I have certainly spoken with him since the
15 case was made against us both.

16 Q. But to the best of your recollection at
17 least at this time you did not speak to him prior
18 to sending him the proof of the book that you
19 wrote?

20 A. No.

21 Q. Have you ever met him?

22 A. No.

1 Q. Did you write pages 154 through 156 of the
2 book Race, Intelligence and Bias in Academe?

3 A. Yes.

4 Q. And I know you've answered generally with
5 respect to the book but I want to ask you
6 specifically with respect to what you wrote on
7 these pages --

8 A. Yes.

9 Q. Did you keep any of the sources that you
10 used to write those pages?

11 A. I kept them all after writing the book. I
12 think they could probably be found. But they
13 were all taken from published material and I did
14 have copies of everything.

15 Q. The first statement that I want to ask
16 about is actually the first sentence, "Jerry
17 Hirsch first earned notoriety by his persistent
18 and outrageous attacks on Jensen."

19 First of all, notoriety -- what's the
20 factual basis for you stating that he earned
21 notoriety?

22 A. All the people who were subject to attacks

1 because of their interest in behavioral genetics
2 with whom I spoke considered him to be very
3 unreasonable, very emotional and prejudiced
4 professor.

5 Q. And do "all the people" include Professor
6 Cattell, Professor Jensen and Professor --

7 A. I think so, but I would have to really
8 research the memory banks there.

9 Q. I'm sorry, you think that there were other
10 people?

11 A. I think so, but I can't name any names
12 offhand. And certainly subsequently I believe
13 Professor Humphreys has expressed a similar
14 opinion. In fact, it was mentioned. Some
15 reference to that was referenced in the
16 deposition that you took from him. People ask
17 him what makes Hirsch tick.

18 Q. You have read Mr. Humphreys' deposition
19 prior to your deposition today?

20 A. Not recently, but I read it shortly after
21 it was available.

22 Q. Is there anything else that you have read

in preparation for your deposition today?

A. No.

Q. Referring back to page 155 of the book Race, Intelligence and Bias in Academe, you state that Mr. Hirsch revealed his political convictions and biases by establishing a graduate program on what he called institutional racism?

A. Yes.

Q. Describe, if you would, what you mean by -- let me rephrase the question.

What political convictions and bias were revealed by establishing such a program?

A. This will require quite a long answer.

Briefly there are many people who believe in a quasi-Marxist philosophy. Quasi-Marxist I should say people who have not succeeded in the world have only not succeeded because they have been exploited.

The original Marxist view seemed to be that people of a particular nation were being exploited by their own nation but during Stalinist times, particularly, this was extended

to preach a philosophy that particular races of the world were being exploited by other races and any failure on their part to achieve was due to the exploiting race.

This has spawned the term "institutional racism" whereby institutions hold these people down and don't allow them to achieve what they might otherwise achieve.

So I see this as having a political interpretation.

Q. I'm sorry, were you finished with your answer?

A. Yes.

Q. This is a political conviction that is different from your own; is that correct?

A. No, I think that is -- my opinion of the politics of revolution.

Q. Well, my question is what you described as being a political conviction that has resulted in the term being used, institutional racism is a conviction that is different from your own?

MR. SONDRICKER: I object to the

1 question. I think it is ambiguous and unclear as
2 a result of the last question and the last answer
3 which I think was ambiguous and got an ambiguous
4 answer and that's why you are asking this
5 question.

6 I think you need to clarify.

7 BY MR. OTTO:

8 Q. Do you understand the question?

9 A. No, not the way that you asked it.

10 Q. Let me ask it in a different way.

11 The political conviction and bias that you
12 ascribe to Jerry Hirsch is different than your
13 own political convictions and biases; is that
14 correct?

15 A. In the sense that everybody has
16 convictions and I would say is biased I think one
17 direction or another, yes.

18 Q. How is your conviction different than
19 Jerry Hirsch's with respect to the description
20 that you just made --

21 A. I would agree with him that there is much
22 exploitation as part of the history of homo

1 sapiens, but I think he carries it to unrealistic
2 extremes in what he has written.

3 He has been reprinted by SDS which is a
4 Marxist student organization with considerable
5 acclaim.

6 Q. Is there any specific publication of Mr.
7 Hirsch's that you believe shows him to have
8 carried his convictions to an extreme that --

9 A. Page 155, "This article was reprinted with
10 joyous acclaim in yet another undated SDS
11 pamphlet." That is, I think, an example.

12 Q. That undated SDS pamphlet is what you are
13 talking about. Are there other publications?

14 A. I can't tell you now.

15 Q. Are there any publications that Mr. Hirsch
16 made in any scholarly journals that you believe
17 show an extreme bias?

18 A. Yes. I think I would say so.

19 Q. What are those?

20 A. I have a copy of a letter which I believe
21 Laura Geiler may have shared with you which she
22 wrote and was published in -- I can't remember

1 the name of the journal at the time, but it was
2 attacking Professor Shockley and it was implying
3 that Professor Shockley's interest in the role of
4 heredity in determining the limits of human
5 behavior was due to his having been under the
6 care of a psychiatrist after a road accident.

7 The suggestion was to the reader that he
8 became mentally disturbed or deranged after that
9 road accident.

10 Q. Would you characterize an accusation like
11 that to be an unfair accusation of an academic
12 person?

13 A. I believe there is a relevance in it that
14 if somebody has had any psychotic experiences
15 then his dependability and reliability as an
16 academic may be in question. But whether being
17 under the care of a psychiatrist because of a
18 road accident from which he subsequently
19 recovered would extend to that, I doubt.

20 Q. In your opinion should an accusation that
21 someone had been under the care of a psychiatrist
22 after a road accident be something that is

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1 circulated in -- among the public?

2 A. I think it would have been nicer if it had
3 been done during the life of the person and not
4 after he was dead and not able to respond.

5 Q. I take it from your answer that you think
6 that it is appropriate if the person is still
7 alive but not if they are dead?

8 A. I think in a country in which free speech
9 is applauded, yes.

10 Q. You state on page 155 of the book Race,
11 Intelligence and Bias in Academe that he, and the
12 antecedent to that is Mr. Hirsch, 'appears to
13 have become very emotional about race issues' and
14 then the sentence goes on, but I want to ask you
15 about the first clause first.

16 When you wrote that -- you wrote that
17 clause, I take it?

18 A. Yes.

19 Q. That is self-evident, you've already
20 stated that?

21 A. Yes.

22 Q. Were you referring to anything that

1 appeared to you or were you referring to
2 something that other people reported to you
3 appeared to them?

4 A. Both.

5 Q. Okay. And what were you reporting with
6 respect to what appeared to you?

7 A. I think you'll find that explained amongst
8 other parts of the book on the rest of page
9 155-156. I cite examples of the language that he
10 used when referring to respected scholars.

11 Q. Are you referring to language like
12 "disgraceful misrepresentation"?

13 A. Yes.

14 Q. And "scandalously hoodwinked"?

15 A. Yes. Fakery. Intellectual Watergates,
16 new psycho-social ailment. I don't think that is
17 the sort of language which normally would be used
18 by somebody who wasn't extremely emotional about
19 the issue. And so I considered that he was very
20 emotional about racist views and this is what I
21 considered from others who knew him well.

22 Q. "His former department chairman, Lloyd

1 Humphreys, reports that on one occasion he had to
2 be granted special leave on the recommendation of
3 a psychiatrist."

4 This, I take it, was not something that
5 Lloyd Humphreys reported to you; is that
6 correct?

7 A. No.

8 Q. What was the source for that part of the
9 sentence?

10 A. When I was preparing the book I contacted
11 as many people as I knew who might have some
12 knowledge. It was no secret that I was writing
13 this book and this information was given to me by
14 Mr. Weyher, Harry Weyher.

15 Q. Who is Mr. Weyher?

16 A. He is a director of the Pioneer Fund.

17 Q. What is the Pioneer Fund?

18 A. A non-profit foundation.

19 Q. What is the Pioneer Fund's connection with
20 any of the organizations with which you are
21 affiliated or have been affiliated?

22 A. No legal connection whatsoever.

1 Q. Has the Pioneer Fund given money to the
2 Council of Social and Economic Studies?

3 A. Occasionally.

4 Q. Is Mr. Weyher a friend of yours?

5 A. I hope I may regard him as a friend, but
6 essentially my contact with him has only been as
7 a director of a corporation which have enjoyed
8 grants from the Pioneer Fund.

9 Q. What exactly or as best you can recall did
10 Mr. Weyher tell you regarding the subject of what
11 Lloyd Humphreys reports concerning Mr. Hirsch's
12 special leave?

13 A. I don't remember the exact context, but he
14 did say that Professor Humphreys had reported the
15 fact that special leave had been granted on the
16 recommendation of a psychiatrist and suggested
17 that I -- for further information I contact
18 Professor Lloyd Humphreys.

19 Q. Did you do that?

20 A. I didn't succeed in contacting him -- I
21 was not successful in contacting him before I
22 sent him the bound proof.

1 Q. Did Mr. Weyher tell you in what context
2 the report from Lloyd Humphreys came to him?

3 A. No.

4 Q. Did he indicate in what form it came --

5 A. I understand that he was in contact with
6 Professor Lloyd Humphreys so I didn't inquire.
7 He is an honorable man so I didn't doubt his
8 word.

9 Q. Did Mr. Weyher report whether this report
10 was oral or in writing?

11 A. I don't know, I can't remember.

12 Q. Did Mr. Weyher tell you when this one
13 occasion purportedly took place?

14 A. No. And I still didn't mention it, but I
15 don't know when it did take place. Except since
16 I think it is in Mr. Humphreys' deposition.

17 Q. But my question now is obviously you have
18 knowledge now that you didn't then and so I'm
19 trying to find out what Mr. Weyher told you.

20 Did he tell you what the purpose of any
21 alleged special leave was that Mr. Hirsch took on
22 the recommendation of a psychiatrist?

1 A. No. I have learned more about that since
2 and it seems to me it was a more significant
3 psychotic episode than I believed at the time.

4 Q. Would you agree that the context of your
5 sentence structure makes it appear that the
6 special leave on the recommendation of a
7 psychiatrist was because of becoming emotional
8 about race issues?

9 A. No, that was certainly not the context as
10 I read it and not my deliberate intention to
11 imply that. There are two clauses there,
12 separated by a comma. My intention was merely to
13 illustrate the knowledge that I had -- or the
14 information that had been given by other
15 psychology professors who knew him well that he
16 was very emotional; and, therefore, he could --
17 one of the things that could trigger off this
18 emotion was race issues. That was evident from
19 his writing. But it doesn't say that he is
20 overall emotional. It seems to me that what I
21 have heard he may be overall an emotional and
22 relatively unstable person.

1 Q. As an editor and writer under what
2 circumstances would you put a period after "race
3 issues" rather than link it to the rest of the
4 sentence with a comma?

5 A. Since the two concepts of being unstable
6 are related, I see no difficulty in putting them
7 in the same sentence. But because they are in
8 the same sentence they are separated by a comma,
9 and that does not imply that one is more than an
10 illustration or a continuation or extension of
11 his general instability which renders his
12 judgment suspect, as he obviously thought
13 Professor Shockley's judgment was suspect because
14 of having been under the care of a psychiatrist.

15 Q. Your sentence, however, does not accuse
16 Mr. Hirsch of being generally emotional, but
17 emotional about race issues; isn't that true?

18 A. No, I don't see it that way. The first
19 part of the sentence states specifically that he
20 appears to become emotional about race issues,
21 and the second part of the sentence indicates
22 that his general personality may incline him to

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1 become very emotional about issues.

2 Q. I'm sorry, what specifically are you
3 referring to in the second part of the sentence
4 that makes it indicate that --

5 A. That --

6 Q. Let me finish my question.

7 A. I beg your pardon.

8 Q. What specifically in the second part of
9 the sentence are you referring to that indicates
10 that his general personality may begin to be
11 emotional about race issues?

12 A. On one occasion he had to be granted
13 special leave on the recommendation of a
14 psychiatrist. And I am told by several people
15 who know him well that he is a very emotional and
16 excitable person. And, therefore, he may well
17 get carried away by matters such as race. I do
18 not say there that he was -- his psychotic
19 experience on that occasion, which I gather since
20 was very severe, was due to race. It might have
21 been due to anything else. A person who is
22 emotional and unstable might become disconcerted

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1 about a variety of things. A judgment on one
2 particular thing such as heredity and race might
3 be one of the things that triggers them off. It
4 is part of the general personality.

5 Q. From what you have learned subsequently,
6 have you learned anything to support any
7 conclusion that Mr. Hirsch became or had a
8 psychotic episode because of any emotion about
9 race issues?

10 A. No, but I have read plenty to indicate
11 that he does become very emotional about these
12 things/issues.

13 Q. Is what you are referring to what you've
14 already described in reference to an earlier
15 sentence when you quoted different language than
16 you've quoted on pages 155 and 156?

17 A. Yes, such as describing an author of
18 Jensen's eminence has been responsible for "an
19 undisciplined flow of intellectual pollution." I
20 don't consider that to be quite scholarly.

21 Q. Is it fair to say that Arthur Jensen's
22 views about genetics are controversial?

1 A. I don't think they are controversial any
2 longer in the sense of controversial with a
3 capital C or any emphasis on controversial. I
4 would say any academic opinion in the social
5 sciences can become controversial, and it is hard
6 to get two people to see things the same way. It
7 is not like mathematics or physics. But
8 nevertheless, despite some bad press that he
9 received at the time of his Harvard Educational
10 Review article there is evidence on record which
11 has been published that the majority of
12 psychologists agree with his assessment of the --
13 broad assessment of heritability which is in
14 published form.

15 Q. Are you talking about clinical
16 psychologists or research psychologists or both?

17 A. I refer here to -- later in my book you
18 will find some reference to him in this book
19 under Chapter 9, Academe, The Media and Public
20 Policy, Synderman and Rothman's book. They are
21 talking to -- actually, if you wish to wait, I
22 will just find it and read the sections to you.

1 Q. If you could simply refer me to the
2 chapter.

3 A. You just read Chapter 9, Academe, The
4 Media and Public Policy. Synderman and Rothman.

5 Q. That will give you which psychologists --

6 A. No, but if you look the book up that they
7 are referring to, you will find it in that.

8 Q. Your belief or assertion is that the
9 majority of psychologists agree with Mr. Jensen's
10 views on genetics?

11 A. Not 100 percent. I thought I made that
12 clear. But the fact is that they do hold the
13 view that genetics plays a major role in
14 determining the intelligence of individuals and
15 that environment is not working in opposition to
16 genetics, the two things are intertwined. You
17 can't say which is more important, the horse or
18 the cart. It isn't one versus the other, it is
19 interrelated.

20 Q. You know the difference between majority
21 and 100 percent?

22 A. Yes.

1 Q. But your assertion that the majority of
2 psychologists --

3 A. I think it is about 50 percent. It
4 depends on the exact question that is asked
5 because this information by Synderman and Rothman
6 was based upon quite an extensive questionnaire
7 and on some questions you get very high
8 agreement. On other questions you get a lower
9 level of agreement.

10 (A brief recess was taken.)

11 BY MR. OTTO:

12 Q. Is it true that you have a basic thesis
13 that humans have intelligence which can be
14 measured and given an IQ and that that is
15 inherited?

16 A. First of all, I'm not a psychologist and I
17 don't think that many psychologists have
18 determined yet exactly what IQ is. They have
19 generally concluded, however, that the IQ,
20 intelligence quotient, as determined by tests
21 that are used today does tend to correspond or
22 correlate to success in life or success in

1 particular occupations that require some level of
2 thought.

3 That's my answer to the first part.

4 Secondly, I do believe that if the
5 research which has been done and is generally
6 accepted as being pretty valid by the people that
7 know more about this than I do, if that is in
8 fact correct, then the evidence is that IQ is
9 substantially -- whatever it is, is substantially
10 inherited.

11 Now, that doesn't mean to say that a
12 person could be -- can't have intelligence
13 effected by all kinds of things. There is no
14 doubt that malnutrition and those kinds of things
15 can effect human personality qualities, but in
16 general I do understand that this is more or less
17 an established opinion from those that have done
18 research on this.

19 Q. When you say substantially inherited, do
20 you mean more than 50 percent inherited?

21 A. Yes, more than 50 percent.

22 Q. And is it a correlation or -- let me

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1 rephrase that.

2 Do you further believe that as a result of
3 intelligence being inherited certain races --
4 substantially. I was not trying to be tricky
5 here.

6 A. No, no, no.

7 Q. So let me start over.

8 Is it further your belief that as a result
9 of intelligence being substantially inherited
10 certain races have more intelligence than other
11 races?

12 A. That is a complex question which would
13 require about a day to answer.

14 It depends what you mean -- what you
15 understand or anybody understands by race to
16 start with, but as an anthropologist I would say
17 that the Australopithecus were, due to the small
18 size of the cranium, less intelligent than homo
19 sapiens and in between you also have other
20 hominids, such as homo erectus remains. We can't
21 say where one ends and the other begins, so there
22 has been in human evolution a steady -- not

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1 steady, an increase in intelligence, sometimes by
2 jumps maybe.

3 The populations today are not totally
4 homogeneous; and, therefore, it is entirely
5 feasible that there are differences in
6 intelligence between different populations. In
7 fact, it is rather remarkable that they are all
8 identical. These are the laws of possibility.

9 Need I say more?

10 Q. Not until I ask you more.

11 What do you mean by races?

12 A. I would say the term race should properly
13 be used in a Waber sense. This is an ideal type,
14 not meaning ideal by a sense of morally or
15 desirably so, but it is a conceptual type. It is
16 like saying hot and cold on a thermometer, where
17 does hot cease and cold begin.

18 But by talking about hot and cold it helps
19 us to convey ideas. So we can say that we look
20 at somebody from Outer Mongolia and we can for
21 convenience called them Mongoloids and we can
22 look at somebody from Alaska, an Inuit Eskimo,

1 and we might say that they are Mongoloid but they
2 are different. They are not exactly the same.

3 There is a great deal of confusion plus a
4 tendency to oversimplify words, to simplify the
5 word race and a major race, mankind, as though
6 they were mutually exclusive. In actual fact the
7 only reality is the microrace, the inbreeding
8 population which has been isolated for a
9 considerable period of time and has tended to be
10 relatively homogeneous from a genetic point of
11 view.

12 The only real races, when they think about
13 educated man, they must be all like identical
14 twins, but of course they are not. So you get a
15 considerable overlap in intelligence between
16 populations. You will get overlaps, but it is
17 very unlikely that they are all mathematically
18 identical in their IQ and it would be rather
19 false to assume that they are. Some people do.

20 Q. So you are saying in theory there is a --
21 I can't pronounce the word -- archetypal.
22 Mongoloid person --

1 A. Not an archetypal. The Mongoloid, it is a
2 concept, the concept that we casually apply.
3 Very inaccurately we apply it. There are obvious
4 differences between what we call a Corsoid and a
5 Mongoloid, but when you go from Western Euroasia
6 and Eastern Euroasia, you can't say that one
7 stops here and another begins here.

8 Q. But they have been intermixing?

9 A. Not only recently but in the course of
10 history, prehistory. As one group may have
11 advanced intellectually and technologically above
12 another, it may have tended to expand outwards
13 because all things have a tendency to
14 overproduce, and then nature selects from those
15 which are going to survive. It does it very
16 clumsily, no purpose for it. So you have an
17 expansion outwards and the expanding group would
18 very often sometimes eliminate the others,
19 sometimes absorb the others, sometimes maybe kill
20 the men and keep the women.

21 We have plenty of evidence of that in the
22 19th and 20th centuries of where they absorbed.

1 Tasmanians are extinct in pure form but some of
2 their genes survive among the population of
3 Tasmania. So this is not a constant of all
4 peoples around the world at the same speed, even
5 necessarily perhaps intellectual, IQ improvement
6 at a level. But one gets ahead a bit, expands
7 outwards and absorbs the other one.

8 The result is a very complex pattern and
9 the trouble is that most people not very
10 interested say white suddenly stops here and then
11 it becomes black or yellow. This is nonsense.

12 Q. I don't pretend to be anthropologist ..

13 A. No, it would take about the rest of the
14 day.

15 Q. But I understand the person referred to as
16 a black man in America does not -- is not purely
17 African-American?

18 A. Nor are they in Africa. We published a
19 book The Face of Africa. In the north they are
20 more Caucasoid-like, if you want to use these
21 terms at all, and in other areas the pigments are
22 different from the Negroes and the Bantu.

1 So there is a lot of confusion, but
2 obviously there must be mathematical
3 differences. Just within this room I'm sure that
4 we have different IQs.

5 And consequently, another group -- and you
6 compare them, mathematically they are bound to
7 come up differently.

8 Q. Is it your thesis that certain races are
9 more highly developed intelligence wise than
10 other races, bearing in mind not pure?

11 A. Let's say populations to avoid the
12 confusion. I would say that some populations do
13 have and reveal when tested by what we have tried
14 to devise as culture-free tests but not
15 necessarily culture free, they do consistently
16 show higher test scores than other populations.

17 Q. How do you describe the populations? What
18 word do you use to describe the ones that have
19 the higher intelligence?

20 A. I would only like to say that speaking
21 purely I only would wish to identify ..
22 micropopulations. Even in one country you will

1 find groups which tend to be higher than other
2 groups. People segregate out. More intelligent
3 people are more likely to marry more intelligent
4 people. So constantly all over the world you are
5 going to have differences.

6 Now, in America which is the answer that
7 you want, generally speaking from what I've read
8 there are substantial population differences on
9 average up to about 15 IQ points which is pretty
10 substantial.

11 Q. And how do you describe the population
12 that has the higher IQ by 15 points or so other
13 than having more intelligence?

14 A. No, I wouldn't like -- I don't want to get
15 trapped here into saying something which might be
16 misused against me. I hope that I have made my
17 point clear.

18 Q. Absolutely. I'm not trying to trap you.

19 A. I would simply refer you to some of the
20 books that I have also been responsible for
21 publishing, such as Raymond Cattell's National
22 Achievement and things like that. The data is

1 there. I'm not myself an authority on
2 intelligence, and I do dispute and question some
3 of the views of people that we have published,
4 but that is the way that the academic world goes
5 of those who have tried to uncover evolution
6 explanations for differences in intelligence in
7 present day populations.

8 Q. Would you say that there are certain black
9 populations which have a higher IQ than certain
10 white populations?

11 A. The evidence is quite clear that the two
12 bells, you might say bell-shaped curves, overlap
13 very substantially. The 15 percent difference
14 which many people have identified in the median
15 but at higher ranges, and the lower ranges you do
16 get people who overlap substantially and that's
17 what you would expect.

18 Q. And in the median how do the populations
19 composed mostly of blacks or what we refer to as
20 blacks compare intelligence wise with whites?

21 A. According to what I've read it works out
22 about 15 points IQ on the median.

pearson

1 Q. With who being higher?

2 A. The so-called white population, which is
3 not purely white in America either or in most
4 parts of the world today, although it may have
5 had much sharper differences 2000 years ago. The
6 world populations are merging and we are moving
7 towards a very heterogeneous form of
8 heterogeneity. You know what I mean.

9 Q. Is there any part of what we have just
10 described, intelligence of various populations,
11 that you believe that Jerry Hirsch disagrees with
12 you on?

13 A. Well, I was very interested in the paper
14 that he presented at that conference held in his
15 honor and I -- he seemed to say that he had
16 carried out experiments over a period of time
17 with the Drosophilie fruit fly in which it had
18 been impossible to breed for particular
19 characteristics. In other words, he was saying
20 genetics doesn't work.

21 Q. For intelligence?

22 A. No, for any characteristic. You can't

Pearson

1 breed for it. In actual fact as I read that if
2 you can't breed for a particular characteristic,
3 evolution couldn't have taken place because
4 evolution was natural selection in favor of
5 particular characteristics which have survived
6 under certain prevailing circumstances and
7 certain characteristics may not have the same
8 survival characteristics when circumstances
9 change.

10 The interesting thing about intelligence
11 and adaptations, they can be purely passive, such
12 as the ability to resist heat or cold. We know
13 that the Inuit Eskimoes have better circulation
14 in the feet. And American Indians living in the
15 Andes can survive and produce a live child at
16 high altitude whereas when the Spanish went in
17 there, Crusaders, they all had still births.
18 Women could not feed enough oxygen to the fetus.

19 So these are passive adaptations, but
20 intelligence has an advantage which enables us to
21 vary our response to changes in our environment
22 or even to discover how to change the

1 environment. For example, we are sitting in an
2 air conditioned room now.

3 So, therefore, you have two kinds of
4 evolution adaptation. One is passive and one is
5 more than passive. It allows you to vary your
6 behavior to meet the changing environment and to
7 detect changes in the environment. That is
8 cognition, and then intelligence allows to relate
9 this to possible solutions and answers. Mankind
10 has particularly specialized in that, where other
11 life forms have specialized in passive
12 adaptation.

13 Q. I don't think that answered my question,
14 but it was interesting. I certainly wouldn't
15 want to cut you off.

16 I believe my question asked the difference
17 in how Mr. Hirsch views what you've described as
18 intelligence and ---

19 A. Oh, yes. As far as I understood him at
20 this conference, he said that it is possible --
21 genetics is impossible because we tried with the
22 fruit fly to breed for particular

1 characteristics, and we just couldn't do it.
2 What he is saying, in effect, is that natural
3 selection could not have taken place because
4 nature couldn't have selected for particular
5 characteristics and different subspecies, to use
6 a more technical term than the popular term
7 race.

8 It doesn't make sense so I don't know
9 really that we have much common meeting point if
10 that is what he really believes. I may have
11 misunderstood, or he may not have represented his
12 point too clearly.

13 Q. Is that the basic difference between you
14 and Dr. Hirsch, you believe that intelligence is
15 inherited and he believes that it is not?

16 A. You have misstated it.

17 Q. Sorry.

18 A. Substantially inherited.

19 Q. All right.

20 A. No, my main difference with Mr. Hirsch is
21 that he doesn't seem to have any academic
22 tolerance to people who have opposite points of

Pearson

1 view. He has made a point of pursuing some
2 people around the country, going to talk shows
3 and things like that to attack them. And giving
4 speeches to students and that sort of thing. He
5 seems to be very, very emotional about it all and
6 I think biased because of his emotions. You have
7 to try to separate yourself as much as you can if
8 you are a scholar from your prejudices and
9 biases. If you can do so in yourself, so much
10 the better.

11 Q. Is there anybody that you believe he has
12 pursued around the country other than Professor
13 Jensen or Dr. Jensen?

14 A. Well, he has made a point which I mention
15 in here of presenting one very controversial
16 paper at a number of student gatherings at
17 universities and that sort of thing.

18 He went and took the trouble to -- I
19 believe to go to New York to this rather hopeless
20 show that Rushton went on and he was one of the
21 expert witnesses to help light a torch under
22 Rushton and his views, but he didn't say very

Pearson

1 much. Other people said more, and he didn't get
2 much chance to say more.

3 Q. Is it your impression that this has
4 occupied a significant part of his academic
5 career?

6 A. My impression, rightly or wrongly and I'm
7 allowed to express my opinion, much of his
8 academic career certainly since Lloyd Humphreys
9 took him on has actually gone in this direction
10 that he has become -- obsessed is a strong word,
11 but certainly in that direction.

12 Q. I would like to get into your background a
13 little bit and then I think we will be finished.
14 You were born in Great Britain, I take it?

15 A. Yes.

16 Q. What is your educational background?
17 Where did you go to school?

18 A. Well, I graduated from grammar school
19 which is the equivalent of your high school from
20 a nice little traditional school founded in 1858,
21 the year of the Armada, two years below the
22 average age of my class. That was before my 17th

Pearson

1 birthday and most people do that in their 18th
2 year.

3 I volunteered for the Army even though at
4 the time I was invited to go straight to
5 university.

6 Q. That would have been in 19 --

7 A. In December I signed up. They wouldn't
8 take me until I was 17 and a quarter for actual
9 military service.

10 Q. That was 1944?

11 A. World War II. The war broke out in '39
12 and I graduated in '44 and went to basic infantry
13 in the Queen's Royal Regiment in the early
14 spring -- late winter, early spring, I can't
15 remember the exact month. March or something.
16 We were preparing for the Briganza march and she
17 said, Boys, you can go home, the war is over.

18 I commissioned in India --

19 Q. Commissioned as what?

20 A. Second left lieutenant at the age of --
21 just before my 18th birthday. I went into the
22 Indian Army. I served for awhile and transferred

Pearson

1 and spent a year in Japan. That was very
2 interesting.

3 I was quote, retired, unquote. In other
4 words I was released as full left lieutenant and
5 went back to England to university. I got a
6 bachelor's, master's and Ph.D. from the
7 University of London.

8 Q. Are you related to Karl Pearson?

9 A. I believe so insofar as I come from the
10 same gene pool. His father was born in
11 Yorkshiredale. I think they are very fine people
12 up there, and I'm proud of it, too. The
13 population is very small there and in actual fact
14 I still have a cousin living there, but I think
15 no Pearson still resides in Wensleydale where my
16 father was born.

17 Q. You got some education after grammar
18 school and after you retired from the Army, I
19 take it?

20 A. Yes, after being three years in the Army,
21 I was 21. I went to the university and did my
22 bachelor's degree.

pearson

1 Q. And what was your degree in? What was
2 your major?

3 A. It was technically BSC econ where you did
4 certain economics, but I specialized in sociology
5 and some anthropology and social philosophy.

6 Q. And the name of the university?

7 A. The name at that time was College Exeter
8 which was affiliated with London University and I
9 did London University examinations and it later
10 became a separate university of its own.

11 Q. Did you do some graduate work or did you
12 become employed?

13 A. I became employed. I went back to India.
14 Assistant counter with Lloyd's Bank Calcutta and
15 when I was there I not only learned to fly, I was
16 able to do my master's degree there, certain
17 written papers. I went to Rangoon to supervise
18 the written examination and I submitted my
19 thesis, you call them dissertation, the other way
20 around in America, but I submitted that directly
21 to London and it was subsequently published in
22 India.

Pearson

1 Q. What was the thesis?

2 A. The Social History of the Europeans in
3 Bengal from 1690 to 1911 when the government was
4 transferred to Dehli. The British in Calcutta --
5 that was actually founded by the British East
6 India Compound called Job Charnock in 1689.

7 Q. That gave you your master's in what?

8 A. That would be -- technically it is MSC,
9 but it wasn't totally in sociology and
10 anthropology.

11 Q. Did you then go on for further
12 undergraduate --

13 A. Not immediately. I registered for a Ph.D.
14 while I was on leave from -- I still remained
15 very interested in academic research and I
16 registered for a Ph.D. and did a little internal
17 work while I was on leave at the London School of
18 Economics in anthropology, but then I had to go
19 back, I couldn't do it continuously and it was
20 only after I came to America and obtained a
21 position as assistant professor in a department
22 teaching sociology and anthropology that I was

1 able to complete my thesis, dissertation,
2 whatever you like to call it, it is different in
3 different countries, and I went to London then
4 for the interview where they want to check up
5 that you really wrote it yourself.

6 Q. You did the orals in London?

7 A. Yes.

8 Q. What university?

9 A. The University of London.

10 Q. When did you come to the States?

11 A. 1965.

12 Q. And you taught sociology at what
13 university?

14 A. And anthropology at the University of
15 Southern Mississippi.

16 Q. For how many years were you there?

17 A. I can't remember exactly. I was there
18 first for a period of about four years, I think.
19 Then I was offered the chairmanship of a
20 department in New Haven College -- New Haven
21 University in New Haven and also at the same time
22 I had the offer of head of a department,

1 sociology and anthropology Queen's College
2 Charlotte and I asked whether -- what the schools
3 were like, did they have any drugs.

4 At New Haven I was told no, only soft
5 drugs. So I went to Charlotte instead.

6 Q. You are referring to New Haven,
7 Connecticut?

8 A. Yes, the University of New Haven.

9 Q. And so you went to Queen's College in
10 Charlotte?

11 A. Yes, North Carolina.

12 Q. As head of the department?

13 A. Department of sociology and anthropology.

14 Q. And that was with tenure?

15 A. Yes, an associate professorship. But then
16 I was invited back to the University of Southern
17 Mississippi to be a full professor. When I left
18 I said I would like to be the head of a
19 department, and they said that they have been
20 thinking of having anthropology as a separate
21 discipline, and why don't you stay.

22 I said, I've accepted now.

Pearson

1 They said, See how you like it, take your
2 time. It will take us time to get it arranged.
3 If you want to come back, come back. So I went
4 back as a full professor there.

5 We eventually started a master's program
6 as well as a bachelor's program.

7 My book, Introduction to Anthropology, was
8 published in 1972.

9 Q. Is that still in publication?

10 A. No, it is not now. But I have got
11 evidence that it was well liked at the time. It
12 really needs to be rewritten because that's a
13 long time ago.

14 Q. Was that the first book that you had
15 published?

16 A. No.

17 Q. What was your first publication?

18 A. "Eastern Interlude: A Social History of
19 the Europeans" -- European community -- really, I
20 don't remember, "in Bengal." Something like
21 that. I'm not sure of the long title.. It was
22 1953, I think, or 1954.

Pearson

1 Q. Who published it?

2 A. Luzac. They don't exist any more, Luzac
3 Company in London. They specialized in oriental
4 and eastern publications. It was very favorably
5 reviewed in the Indian press. They said it was
6 an example to scholars and that it was free from
7 all prejudices and predispositions, which I was
8 rather proud of and I still have that.

9 Q. Which Indian press reviewed that?

10 A. Several papers. I have at least four or
11 five of them. The Times Literary Supplement in
12 London was also very kind to it. The Indian PEN,
13 the Hindustan Times, the Hindusthan Standard, and
14 there were some others.

15 Q. How long did you stay at the University of
16 Southern Mississippi the second time?

17 A. The second time I think it was about three
18 years, but having been in the business world I
19 had become managing director of a company that
20 managed businesses and employed about 13,000
21 people in East Pakistan. I was also chairman of
22 the Pakistan Tea Association which I represented,

Pearson

1 an industry which employed about 90,000 people.

2 Q. When was that?

3 A. That was before I left the East and the
4 business world. So I rather felt that I ought to
5 go on up the scale instead of sitting and
6 listening to deans giving orders. So I took a
7 job as an academic dean, but I found that didn't
8 allow me any time for academic work.

9 Q. Where was that at?

10 A. The Montana College of Mineral Science and
11 Technology in Butte, Montana.

12 Q. How big was that college?

13 A. That was quite small. At that time it was
14 about 750 students, but it was one of Americas --
15 16, I think it is, engineering and mining
16 colleges.

17 Q. How long did you stay there?

18 A. I didn't stay more than one year because
19 halfway through I realized a dean's job is
20 sitting and totaling up the numbers of students
21 and seeing how you can get more money out of the
22 state, listening to complaints about workload by

Pearson

1 professors. It is not an academic job and it is
2 not as pleasant as a business job because there
3 is no bottom line that you can look at.

4 Q. And Butte is not exactly the center of the
5 academic university?

6 A. I had problems with the library. They
7 were very short of funds and couldn't get the
8 things that you wanted. Couldn't get the books
9 and journals that the engineers needed.

10 Q. Where did you go from there?

11 A. I decided to devote myself to publishing.
12 I had already launched The Journal of
13 Indo-European Studies.

14 Q. When was that launched?

15 A. That was 22 years ago. And I decided to
16 go to Washington where I was able to get a small
17 grant from one of the established foundations.

18 Q. Was that the Pioneer Fund?

19 A. No. No. I can't remember who it was
20 now. I think they gave me some the second year
21 as well, I believe, to launch The Journal of
22 Social and Economic Studies actually which was 19

pearson

1 years ago. And we published a lot of eminent
2 people.

3 Q. And so you have been involved in
4 publishing ever since that time?

5 A. Yes. Yes.

6 Q. Does the fact that you have now moved to
7 Florida mean you have retired?

8 A. Semi-retirement. We actually used to live
9 in Virginia, but when the children got older and
10 moved to Europe, we settled down there. And my
11 wife likes it down there very much.

12 MR. OTTO: I think that probably does it.
13 Let me check my notes and see if there is
14 anything else that I wanted to ask.

15 (Pause in the proceedings.)

16 BY MR. OTTO:

17 Q. Was there a magazine called Northern World
18 which you --

19 A. I launched that when I was about -- 28
20 years old in Calcutta. It was even typeset and
21 printed in Calcutta.

22 Q. And for how long were you the publisher of

Pearson

1 that?

2 A. I think it lasted about four or five
3 years. I had to give it up when I got promoted
4 to be managing director of -- in the Pakistan
5 subsidiary company. There was just no time to do
6 it.

7 Q. Do you know a person by the name of Earl
8 Thomas?

9 A. I employed him for a short while, for a
10 period of time here in the Washington area.

11 Q. Did he work for you during the time that
12 you were working on the manuscript of Race,
13 Intelligence and Bias in Academe?

14 A. I don't think so, no. I think that was
15 before that.

16 Q. Do you recall when he no longer worked for
17 you, approximately what years?

18 A. No. But it was -- it was before I started
19 on the book.

20 Q. Were you editor at one time of a magazine
21 called The New Patriot?

22 A. Yes, I was.

Pearson

1 Q. During what period of time was that?

2 A. Oh, about -- when I first came to America,
3 about 1965, '66, somewhere about that time.

4 Q. And do you recall when you no longer were
5 the editor of it?

6 A. About three years later.

7 Q. What assets do you own?

8 MR. SONDRICKER: Dr. Pearson personally?

9 MR. OTTO: Yes.

10 MR. SONDRICKER: I do object. Why are we
11 going into that at this point? I guess it is the
12 same reason that you had before. I think it is
13 premature and not proper under this type of
14 examination. As you well know, there are
15 supplementary procedures for enforcing judgments
16 and we are nowhere near that yet.

17 MR. OTTO: Are you instructing him not to
18 answer any questions about his finances?

19 MR. SONDRICKER: Well, I don't want to
20 instruct witnesses not to answer any questions
21 because I rely on counsel to proceed in good
22 faith. If you can demonstrate to me why that is

Pearson

1 necessary at this point I might consider a
2 limited questioning, but generally to probe into
3 Dr. Pearson's personal finances at this point is
4 irregular and improper and I don't want to
5 instruct him not to, but I will listen to you as
6 to why you think that you should proceed with
7 this.

8 MR. OTTO: There is a request for damages
9 as well as injunctive relief. I think the
10 question of what level of damages is appropriate
11 to this case both in terms of what damages have
12 been done to Mr. Hirsch and what might be -- what
13 should be imposed to deter similar conduct in the
14 future could be -- that question would be
15 effected by what his financial situation is.

16 MR. SONDRICKER: Well, as to the first
17 part, compensatory damages with respect to Mr.
18 Pearson's financial status is no basis.

19 A party may submit a net worth statement
20 just before the trial and on occasion a court in
21 its discretion may permit a plaintiff to use that
22 kind of information, but it is irregular to

Pearson

1 interrogate a witness about this sort of thing at
2 this stage of the case. That's my feeling on
3 it.

4 MR. OTTO: I have nothing further other
5 than if I was permitted to go into finances, I
6 would have questions about them.

7 MR. CORNYN: Let me make a comment here.

8 I have just looked at the complaint.
9 Bill, as you may or may not know under Illinois
10 law when punitive damages are at issue, issues of
11 net worth are relevant.

12 MR. SONDRICKER: Yes.

13 MR. CORNYN: If somehow this case turns in
14 a direction where punitive damages are prayed for
15 and the court allows such a pleading, could we in
16 order to avoid any further expense, I don't want
17 to have to come back here again --

18 MR. SONDRICKER: That is very much in my
19 mind.

20 MR. CORNYN: I'm proposing this for
21 somebody that is not my client. That you can
22 supply that kind of information at some later

Pearson

1 date?

2 MR. OTTO: Reserving the right that if I
3 have further questions that can't be answered by
4 the writing to reopen the deposition.

5 MR. CORNYN: I can't speak to that so I
6 don't know. I guess the objection is out there
7 and will be preserved.

8 MR. OTTO: If it comes up we will address
9 it at that time and try to do so in good faith.

10 Other than that, I have nothing further.

11 MR. CORNYN: I have a few questions for
12 Dr. Pearson. I won't take very long. I have a
13 very limited interest.

EXAMINATION

14 BY MR. CORNYN:

15 Q. As you know, I represent Lloyd Humphreys
16 and I am concerned, I believe, and that's what I
17 want to find out for sure about, I think I am
18 concerned with one sentence in this book and one
19 sentence only, and it appears on page 155.

20 A. Yes.

21 Q. So the record is very clear I'm going to
22

PEARSON

1 read the sentence that I'm going to talk about.
2 It's the second paragraph, second sentence in the
3 first full paragraph and it reads, "He appears to
4 have become very emotional about race issues, and
5 his former department chairman, Lloyd Humphreys,
6 reports that on one occasion he had to be granted
7 special leave on the recommendation of a
8 psychiatrist."

9 With regard to that sentence you've
10 already testified about this, I apologize for the
11 repetition, I want to get it all in one place for
12 my purpose, from the words "he appears" at the
13 beginning of the sentence --

14 A. Uh-huh.

15 Q. -- through the first comma after the word
16 "issues," do I correctly understand that you are
17 not attributing those words to Lloyd Humphreys?

18 A. Definitely not. Well, let me just see.
19 One moment.

20 No, I'm definitely not attributing those
21 words to Lloyd Humphreys.

22 Q. Those are your words as an author or words

PEARSON

1 that you are using from someone else or some
2 other source than Lloyd Humphreys?

3 A. And based upon the information that I
4 obtained from reading material written by Dr.
5 Hirsch and from reports of other psychologists at
6 that time when I wrote that, psychologists other
7 than Lloyd Humphreys as to Hirsch's
8 excitability

9 Q. Prior to the writing of this sentence you
10 had never spoken with Lloyd Humphreys and you did
11 not know him; is that correct?

12 A. No, I had tried to reach him without
13 success and did not know him.

14 Q. Apparently then you learned that Lloyd
15 Humphreys was a former department chairman in a
16 department that Hirsch was in?

17 A. Yes.

18 Q. And do you know who you learned that fact
19 from?

20 A. I learned that fact from Mr. Harry
21 Weyher.

22 Q. And then the balance of the sentence that

Pearson

1 says "Lloyd Humphreys reports that on one
2 occasion he had to be granted special leave on
3 the recommendation of a psychiatrist," the report
4 of Lloyd Humphreys that you refer to was
5 something that Lloyd didn't report directly to
6 you?

7 A. No, he didn't report it directly to me,
8 right.

9 Q. And what you learned about this report was
10 from Harry Weyher?

11 A. Yes.

12 Q. He's the one that reported to you that
13 Lloyd Humphreys had said something to him?

14 A. Yes.

15 Q. Were you at that time, at about the time
16 that Weyher told you what Humphreys had reported,
17 were you at that time aware of when the
18 conversation between Humphreys and Weyher had
19 occurred?

20 A. No. If it was a conversation, I don't
21 remember how it was communicated.

22 Q. And I think you said you don't remember

Pearson

1 when the conversation occurred between you and
2 Weyher except that it occurred prior to the time
3 this book came out in proof?

4 A. That's correct. Otherwise I wouldn't have
5 known it and wouldn't have put it in. But I did
6 take the caution of sending this book in proof
7 form to Professor Humphreys.

8 Q. And sometime after that time when you sent
9 the proof to Professor Humphreys he wrote to
10 you --

11 A. I think it was a letter, not a telephone
12 call, and I'm not sure about that now.

13 Q. Well --

14 A. He suggested correction.

15 Q. Let's make it more general. There was
16 some communication between you and Lloyd
17 Humphreys?

18 A. Yes.

19 Q. And apparently Lloyd Humphreys appears --
20 his name appears in some other place than just
21 here on page 155?

22 A. Yes, it does. You'll find -- I'm not sure

Pearson

1 where because I unfortunately don't have an
2 index.

3 Q. I'm not concerned about where --

4 A. It does appear there. Maybe under the
5 section under Barry Mehler who obtained his Ph.D.
6 under Professor Hirsch.

7 Q. I'm not particularly concerned about where
8 his name is or what it says.

9 A. He made corrections and said that it was
10 inaccurate, that I had relied too heavily on
11 Barry Mehler's account, a rather unpleasant
12 account of when Barry Mehler stood up and
13 essentially defamed at a conference that was
14 supposed to be in Professor Humphreys' retirement
15 conference in his honor.

16 Q. In that communication that you had with
17 Lloyd Humphreys, do I understand that neither you
18 nor he mentioned the material that is written on
19 pages 154 and 155 of the book, specifically the
20 one sentence that I read earlier?

21 A. I don't remember.

22 Q. The copyright that you obtained on this

Pearson

1 book, at least it has your name, copyright 1991?
2 A. Yes.

3 Q. What does that date mean to somebody like
4 me who is totally unfamiliar with the publishing
5 business? What does that date mean with
6 reference to the date this book appeared in print
7 or maybe the date that it went out as a proof?

8 A. It would be roughly comparable to that
9 date. The copyright date is when you actually
10 request a copyright.

11 Q. Well --

12 A. I'm not sure legally it doesn't take
13 effect -- no, it can't take effect when it is
14 published because you can copyright an
15 unpublished manuscript. I could check on this by
16 checking the printer's bill. It would have been
17 the early part of 1991.

18 Q. My question is do you have to have a
19 finished manuscript before you can get a
20 copyright?

21 A. The normal procedure -- one moment.

22 MR. SONDRICKER: He is not a lawyer.

Pearson

1 BY MR. CORNYN:

2 Q. You don't know?

3 A. I couldn't say immediately on that. I
4 don't know.

5 Q. Did you apply for the copyright yourself
6 or did you have someone do that?

7 A. Someone in the office did that.

8 Q. Do you remember whether or not your book
9 was finished at the time you applied for your
10 copyright?

11 A. Oh, yes, it was finished. You usually get
12 to those things at the last moment.

13 Q. I'm trying to jog your memory as to when
14 you talked to Harry Weyher?

15 A. That would have been presumably in 1990.

16 Q. Is that when you did the bulk of your
17 writing of this manuscript?

18 A. It would have been prior to that because I
19 had other things to do.

20 Q. So as you sit here today it would be your
21 best recollection, and maybe that's too strong,
22 your best guess that your conversation with Harry

Pearson

1 Weyher concerning the information attributed to
2 Lloyd Humphreys occurred sometime in 1990 or
3 possibly even 1989?

4 A. My conversation?

5 Q. Your conversation.

6 A. I would say probably, yes. I was checking
7 with everybody I knew for information and I just
8 can't remember when it all came in.

9 MR. CORNYN: That's all. Thank you.

10 MR. OTTO: I have nothing further.

11 MR. CORNYN: Under Illinois rules after
12 this gets typed up in transcript form it can be
13 sent to you. You have an opportunity to read it,
14 change it as necessary and make corrections,
15 whatever. Especially with all of the names that
16 we have just gone --

17 THE WITNESS: There might be some
18 misspellings.

19 MR. CORNYN: That decision is up to you.
20 You are supposed to do this on the record.

21 THE WITNESS: I would certainly like to
22 check it through.

Pearson

MR. CORNYN: Again, under the rules I think it is 30 days.

(Reading and signature not waived.)

(Time noted: 1:20 p.m.)

- - - - -

DISTRICT OF COLUMBIA, to wit:

I, Doreen M. Dotzler, before whom the foregoing deposition was taken, do hereby certify that the within-named witness personally appeared before me at the time and place herein set out, and after having been duly sworn by me, according to law, was examined by counsel.

I further certify that the examination was recorded stenographically by me and this transcript is a true record of the proceedings.

I further certify that I am not of counsel to any party, nor an employee of counsel, nor related to any party, nor in any way interested in the outcome of this action.

As witness my hand and notarial seal this _____ day of _____, 1994.

DOREEN M. DOTZLER
Notary Public

MY COMMISSION EXPIRES: 4-14-97

I N D E XDEPOSITION OF ROGER PEARSONJUNE 23, 1994EXAMINATION BY: PAGE

MR. OTTO 5

MR. CORNYN 89

EXHIBITS: PAGE MARKED

(NONE.)

CERTIFICATE OF DEPONENT

I hereby certify that I have read and examined the foregoing transcript, and the same is a true and accurate record of the testimony given by me.

Any additions or corrections that I feel are necessary, I will attach on a separate sheet of paper to the original transcript.

ROGER PEARSON

I hereby certify that the individual representing himself/herself to be the above-named individual, appeared before me this _____ day of _____, 1994, and executed the above certificate in my presence.

NOTARY PUBLIC IN AND FOR

MY COMMISSION EXPIRES:

1 WITNESS: ROGER PEARSON

2 DATE: JUNE 23, 1994

3 CASE: JERRY HIRSCH vs. ROGER PEARSON, LLOYD G.
4 HUMPHREYS, and SCOTT-TOWNSEND PUBLISHERS

5 Please note any errors and the corrections
6 thereof on this errata sheet. The rules require
7 a reason for any change or correction. It may be
8 general, such as "To correct stenographic error,"
9 or "To clarify the record," or "To conform with
10 the facts."

11	<u>PAGE</u>	<u>LINE</u>	<u>CORRECTION</u>	<u>REASON FOR CHANGE</u>
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